

## REMARKS

Claims 1 and 17 are amended. Claims 9-16 and 23-51 are cancelled. Claims 52-65 are added. Claims 1-8, 17-22 and 52-65 are in the application for consideration.

A Letter Submitting Formal Drawings is included herewith, and a copy of a red-lined version thereof wherein Fig. 4 has been amended. Specifically, the lower designation of the substrate has been changed from "118b" to "110b". Entry of this drawing amendment is requested.

The specification is amended to insert serial number information which became available subsequent to this application filing.

Independent claims 1 and 17 stand rejected as being anticipated by U.S. Patent No. 6,127,218 to Kang. However, Kang only everywhere discloses providing sequential first and second oxidizing streams of different compositions, and not of the same composition. Independent claims 1 and 17 have been amended to recite the flowing of a constant composition oxidizer stream and changing the flow rate of the constant composition oxidizer stream to the reactor at least once to effect a change in atomic concentration of titanium within the deposited barium strontium titanate comprising dielectric layer. Kang clearly only teaches depositing different stoichiometric BST layers by changing the composition of its oxidizer stream. Accordingly, it is virtually inconceivable that Kang could suggest doing that which Applicant now recites in amended claims 1 and 17. Accordingly, such claims are neither anticipated

nor obvious over the Kang reference. Therefore, withdrawal of the rejection of independent claims 1 and 17 is requested.

Those claims depending from Applicant's independent claims 1 and 17 should be allowed as depending from allowable base claims, and for their own recited features which are neither shown nor suggested in the cited art. Action to that end is requested.

Claims 52-65 are added. Independent claims 52 and 60 thereof are patterned after the above-referenced independent claims 1 and 17, but recite the flowing of only a single oxidizer to the reactor, and changing the flow rate thereof at least once to effect a change in relative atomic concentration of barium and strontium within the deposited barium strontium titanate comprising dielectric layer. Such is neither shown nor suggested by the Kang reference as different composition oxidants are flowed to effect different composition in the barium strontium titanate deposited layer, and therefore, there is no disclosure or suggestion of using only a single oxidant as Applicant claims and as is supported by Applicant's specification.

Those claims depending from Applicant's independent claims 52 and 60 should be allowed as depending from allowable base claims, and for their own recited features which are neither shown nor suggested in the cited art. Action to that end is requested.

The Examiner's reference to Gardner et al. in the action is misplaced. Specifically, Gardner's reference to certain oxidants is with respect to the

fabrication of his layer 14, which is only disclosed as being silicon dioxide or oxynitride. (col.3, Ins.29-32). Only layer 16 in Gardner et al. is disclosed as possibly being barium strontium titanate, and none of the previously described processings associated with its non-BST layer 14 are attributed to its layer 16. (col.4, Ins.1-10).

On January 3, 2002, Applicant filed a Supplemental Information Disclosure Statement (including Form PTO-1449 and copies of the cited art). It is requested that the Examiner consider the art submitted therewith, initial the same on the two Forms PTO-1449 which accompanied the January 3, 2002 Supplemental Information Disclosure Statement, and print them on the face of the patent. Such is not seen to be discretionary by the Examiner. MPEP §609(D).

This application is believed to be in immediate condition for allowance, and action to that end is requested.

Respectfully submitted,

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By: 

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